

# **EXHIBIT 2**

**From:** Ariadne Ellsworth <Aellsworth@ecbawm.com>  
**Sent:** Thursday, January 16, 2025 10:13 AM  
**To:** Beaudoin, Kristine (PHX)  
**Cc:** Sonya Levitova; Hannah Brudney; Debbie Greenberger; Sarah Bradshaw; Nate Kakazu  
**Subject:** Perkins Coie Confidentiality Dispute

Counsel,

At our meet and confer of December 13 and in your letter of December 12, Perkins Coie conveyed its position that the interview memos are properly designated “confidential” in their entirety pursuant to the Protective Order on the basis that (a) Perkins Coie hoped to maintain the “general” privacy of all interviewees regardless of whether the interviewee was a survivor or not and (b) that redaction was not a viable alternative to complete non-disclosure. As we expressed on December 13, this promise of “general” privacy to non-survivor witnesses is not an appropriate basis for confidentiality under the Protective Order. See Protective Order ¶ 4(a) (“Any party . . . may designate as Confidential and subject to this Protective Order any documents . . . produced in this case if they contain information that the Producing Entity asserts in good faith is protected from disclosure by statute or common law, including, but not limited to, confidential personal information, medical or psychiatric information, trade secrets, personnel records, or such other sensitive commercial information that is not publicly available.”). In fact, Perkins Coie itself provided no assurances regarding confidentiality to non-survivor interviewees. See Report of the Independent Investigation at 10 n. 3 (“With respect to other [non-survivor] Investigation witnesses—including former and current University employees—we did not provide any assurances concerning their confidentiality or anonymity.”).

The December 13 meet and confer was the parties’ third meet and confer regarding designation of the interview memos. On November 15, in anticipation of the December 13 meeting, Plaintiffs provided you with four interview memos that could be de-designated without the need for further redaction. (PC1292, PC197, PC762, PC1170.) These memos have already been redacted in so far as they contain any survivor information or identifying details and otherwise do not contain information within the scope of the Protective Order. Yet neither your letter of December 12 nor your representations at the December 13 meet and confer engaged with the specifics of these memos nor with what unredacted information in these memos justified maintaining them confidential. Instead, notwithstanding the fact that the Protective Order places the burden on the designator to maintain and defend proper designations at all times, you stated that Perkins Coie would not contemplate a change in designation. See Order ¶ 12 (“[T]he burden to properly maintain the designation shall, at all times, remain with the person or entity that made the designation to show that said document or information should remain protected pursuant to Federal Civil Rule 26(c).”).

It is now clear that the parties have a dispute about the propriety of your confidentiality designations requiring Court intervention. Because pursuant to the Protective Order, the designating party must file the motion, we request that you do so with the Court as to the following eleven interview memoranda: PC101, 197, 202, 259, 544, 762, 1014, 1170, 1076, 1292, 1928. See Order ¶ 12. Moving the Court on this limited subset, without prejudice to challenging the designations of the remaining memos at a later time, will give the Court enough context to provide guidance on the Protective Order as applied to the memoranda while reasonably limiting the volume of documents that the Court and counsel need review.

Please confirm by Wednesday, January 22, that Perkins will move the Court and when we can expect motion papers.

Sincerely,

Ariadne M. Ellsworth (she/her)  
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